

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALAN HAHN,

Plaintiff,

vs.

H. FOOTE HOSPITAL,
et al.,

Defendants.

CIVIL ACTION NO. 04-73318

DISTRICT JUDGE MARIANNE O. BATTANI

MAGISTRATE JUDGE DONALD A. SCHEER

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff filed the instant Complaint on August 5, 2004, in the United States District Court for the Western District of Michigan¹. Plaintiff sued 33 defendants, claiming that they failed to provide him with proper medical care in violation of his Eighth Amendment rights. Upon initial review of the complaint, the Hon. Robert Holmes Bell dismissed certain Michigan Department of Correction (MDOC) administrative employees, including Director Patricia Caruso, and Deputy Directors Dennis Straub, R. Russell Wittman, Dennis Schrantz, Donald Weatherspoon and J.W. MacMeekin. The Court also granted Plaintiff permission to proceed in forma pauperis, and the action was transferred to the Eastern District of Michigan (See Memorandum Opinion dated August 17, 2004 at Docket #1).

The case was consolidated with three additional cases on September 28, 2005. (See Case Nos.01-74656, 03-72730 and 05-70151). All of the cases concerned conditions of

¹Plaintiff was paroled from prison on December 11, 2007. He is currently living with his parents at 8346 Hartel Road, Grand Ledge Michigan 48837.

Plaintiff confinement within the MDOC, and the Court anticipated that “substantially similar evidence would be offered at trial, and that the same parties would be present.” (See Order Consolidating Cases, Case No. 01-74656, Docket #270). The Court later closed the instant case for administrative purposes in order “to end Plaintiff’s practice of filing a myriad of repetitive and frivolous pleadings and exhibits...”. The Court ordered that the case remain closed “until completion of the proceedings in the earlier-filed consolidated cases, or until the Court received a request to have it restored to the active docket. “ (See Opinion and Order Granting Plaintiff’s Request to Reopen at Docket #66).

Plaintiff filed a Request to Reopen the case after the Court dismissed Case Nos. 01-74656 and 03-73720 on March 31, 2008. The Honorable Marianne Battani granted the Request to Reopen on April 1, 2008, pursuant to Rule 60(b), noting that the named defendants in the 2004 action could now devote their resources to the merits of Plaintiff’s claims.

Nearly four years have now elapsed since Plaintiff originally filed this Complaint. Even though Plaintiff was granted permission to proceed in forma pauperis in 2004, none of the 33 defendants named in the Complaint have been served. In addition, Plaintiff has filed numerous proposed amendments to his claims. Given the length of time that has elapsed, and the number of proposed amendments, a single comprehensive Complaint would serve to clarify the issues in this action. Accordingly, Plaintiff is hereby ORDERED to file an Amended Complaint within 30 days of the date of this order. Plaintiff shall also provide the Court with the names and updated addresses of each defendant named in the Amended Complaint, so that service by the United States Marshal may be effected. Failure

to comply with this Order may result in a recommendation for dismissal of the case for want of prosecution.

SO ORDERED.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: June 3, 2008

CERTIFICATE OF SERVICE

I hereby certify on June 3, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on June 3, 2008. **Alan Hahn.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217